

HOUSE BILL NO. 21

INTRODUCED BY B. EGGERS

BY REQUEST OF THE LAW, JUSTICE, AND INDIAN AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE DURATION OF THE STATE-TRIBAL ECONOMIC DEVELOPMENT COMMISSION; REVISING THE MEMBERSHIP OF THE COMMISSION TO INCLUDE THE LITTLE SHELL BAND OF CHIPPEWA; ~~PROVIDING THAT MEMBERSHIP ON THE COMMISSION LASTS FOR THE DURATION OF THE COMMISSION'S EXISTENCE; PROVIDING AN APPROPRIATION TO THE COMMISSION;~~ AMENDING SECTIONS 90-1-131, 90-1-135, AND 90-11-102, MCA, AND SECTION 19, CHAPTER 512, LAWS OF 1999; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 90-1-131, MCA, is amended to read:

"90-1-131. (Temporary) State-tribal economic development commission -- composition -- compensation for members. (1) There is a state-tribal economic development commission administratively attached to the office of the governor as prescribed in 2-15-121.

(2) The commission is composed of ~~nine~~ 10 members, each appointed by the governor ~~to 3-year staggered terms commencing on July 1 of each year of appointment~~ TO 3-YEAR STAGGERED TERMS COMMENCING ON JULY 1 OF EACH YEAR OF APPOINTMENT, and must include:

(a) the state coordinator of Indian affairs;

(b) one member from the department of commerce;

(c) one member from each of the seven federally recognized tribes in Montana and one member from the Little Shell band of Chippewa Indians. A tribal government may advertise for individuals interested in serving on the commission and develop a list of applicants from which it may choose its nominee to recommend to the governor. In place of choosing from a list of applicants, a tribal government may select an elected tribal official to recommend for membership on the commission. If a tribal government nominates or otherwise recommends more than one person for membership on the commission, the governor shall select one individual from among those recommended persons.

~~———— (3) Each member may be reappointed for successive terms. Except in the case of member resignation, an appointment to the commission is considered permanent, with membership expiring at the time that the commission's authority expires.~~

~~(4)(3)~~ The members of the commission shall elect a presiding officer from among the members.

~~(5)(4)~~ ~~Six~~ Seven members of the commission constitute a quorum and the affirmative vote of the majority of the members present is sufficient for any action taken by the commission.

~~(6)(5)~~ Any vacancy on the commission must be filled in the same manner as the original appointment.

~~(7)(6)~~ Each member of the commission is entitled to reimbursement for expenses as provided in 2-18-501 through 2-18-503. (Terminates June 30, ~~2001 2005 2003 2005~~ ~~sec. 19, Ch. 512, L. 1999.~~)"

Section 2. Section 90-1-135, MCA, is amended to read:

"90-1-135. (Temporary) Special revenue accounts. (1) There is an account in the state treasury for the receipt of state and private funds and an account in the state treasury for the receipt of federal funds for expenditure by the state-tribal economic development commission established in 90-1-131.

(2) Money in the accounts established in subsection (1) must be used to pay:

(a) the commission's administrative costs;

(b) the salary, benefits, and administrative expenses of the tribal business center coordinator and the federal grants coordinator; and

(c) the costs of conducting or commissioning and periodically updating or otherwise modifying a comprehensive assessment of economic development needs and priorities on each of the Indian reservations in the state.

(3) Money in the accounts that is not expended for the purposes identified in subsection (2) may be used for other purposes that the commission considers prudent or necessary.

(4) Interest and income earned on the money in the accounts must be deposited in the accounts for the commission's use.

(5) Money in the accounts that is not expended by June 30, ~~2001 2005 2003 2005~~, must remain in the accounts for the commission's use. (Terminates June 30, ~~2001 2005 2003 2005~~ ~~sec. 19, Ch. 512, L. 1999.~~)"

1 **Section 3.** Section 90-11-102, MCA, is amended to read:

2 **"90-11-102. (Temporary) Duties and assistance.** (1) It is the duty of the state coordinator of
3 Indian affairs to carry out the legislative policy set forth in 90-11-101.

4 (2) The state coordinator shall:

5 (a) become acquainted with the problems confronting the Indians of Montana;

6 (b) advise the legislative and executive branches of the state of Montana of those problems;

7 (c) make recommendations for the alleviation of those problems;

8 (d) serve the Montana delegation in the federal congress as an adviser and intermediary in the field
9 of Indian affairs;

10 (e) act on behalf of representative Indian organizations and groups, public and private, whenever
11 the state coordinator's support is solicited by tribal entities;

12 (f) serve on the state-tribal economic development commission established in 90-1-131;

13 (g) report in detail at every meeting of the interim committee of the legislature ~~having jurisdiction~~
14 ~~over the office of the coordinator~~ responsible for acting as a liaison between the legislature and the tribal
15 governments those actions taken by the state-tribal economic development commission established by
16 90-1-131 to carry out its duties; and

17 (h) hire, with the concurrence of the other members of the state-tribal economic development
18 commission, a tribal business center coordinator and a federal grants coordinator, and subsequently
19 provide administrative support for both positions.

20 (3) All executive and legislative agencies of state government may within the area of their
21 expertise and authority provide assistance to tribal councils or their official designees requesting assistance
22 on any matter relating to coal development on Indian reservation lands and may make an appropriate
23 charge for that assistance. (Terminates June 30, ~~2001-2005-2003 2005--sec. 19, Ch. 512, L. 1999.~~)

24 **90-11-102. (Effective July 1, ~~2001-2005-2003 2005~~) Duties and assistance.** (1) It ~~shall be~~ is the
25 duty of the state coordinator of Indian affairs to carry out the legislative policy set forth in 90-11-101.

26 (2) ~~He shall acquaint himself with the problems confronting the Indians of Montana, and he shall~~
27 ~~advise the legislative and executive branches of the state of Montana of those problems and shall make~~
28 ~~recommendations for the alleviation thereof. He shall also serve the Montana delegation in the federal~~
29 ~~congress as an adviser and intermediary in the field of Indian affairs and shall act as spokesman for~~
30 ~~representative Indian organizations and groups, public and private, whenever his support is solicited~~ The

1 state coordinator shall:

2 (a) become acquainted with the problems confronting the Indians of Montana;

3 (b) advise the legislative and executive branches of the state of Montana of those problems;

4 (c) make recommendations for the alleviation of those problems;

5 (d) serve the Montana delegation in the federal congress as an adviser and intermediary in the field
6 of Indian affairs; and

7 (e) act on behalf of representative Indian organizations and groups, public and private, whenever
8 the state coordinator's support is solicited by tribal entities.

9 (3) All executive and legislative agencies of state government may within the area of their
10 expertise and authority provide assistance to tribal councils or their official designees requesting ~~such~~
11 assistance on any matter relating to coal development on Indian reservation lands and may make an
12 appropriate charge ~~therefor~~ for that assistance."

13

14 ~~———— **NEW SECTION. Section 4. Fund transfers -- appropriation.** (1) There is transferred from the~~
15 ~~general fund \$200,000 for the biennium beginning July 1, 2001, and ending June 30, 2003, and~~
16 ~~\$200,000 for the biennium beginning July 1, 2003, and ending June 30, 2005, to the state special~~
17 ~~revenue account established in 90-1-135, which must be allocated to and expended by the state-tribal~~
18 ~~economic development commission in appropriate amounts as determined by the commission to:~~

19 ~~———— (a) fund a tribal business center coordinator position, a federal grants coordinator position, and~~
20 ~~related administrative support costs for both positions;~~

21 ~~———— (b) conduct or commission, through a competitive bid process that results in a contract for~~
22 ~~services with a private sector or college or university research entity that is considered qualified by the~~
23 ~~state-tribal economic development commission, a comprehensive assessment of economic development~~
24 ~~needs and priorities as required in 90-1-133; and~~

25 ~~———— (c) pay the administrative costs and expenses of the state-tribal economic development~~
26 ~~commission.~~

27 ~~———— (2) There is appropriated to the state-tribal economic development commission from the state~~
28 ~~special revenue account established in 90-1-135 \$200,000 for the biennium beginning July 1, 2001, and~~
29 ~~ending June 30, 2003, for the purpose of funding the commission's activities, including but not limited~~
30 ~~to those specified in subsection (1).~~

~~———— (3) Money received in federal programs or grants that is deposited in the federal special revenue account established in 90-1-135 is appropriated in an amount not to exceed \$2 million to the state-tribal economic development commission for purposes consistent with 90-1-130 through 90-1-135.~~

~~———— (4) The appropriation in this section is a biennial appropriation.~~

NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

Section 5. Section 19, Chapter 512, Laws of 1999, is amended to read:

"Section 19. Termination. [This act] terminates June 30, ~~2001-2005-2003~~ 2005."

NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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